



**Minutes of the State Board of Health
January 11, 2012**

Department of Health, Town Center 2, Room 158, 111 Israel Road S.E., Tumwater, WA 98501

Board members present:

The Honorable John Austin, PhD, Chair
Keith Grellner
Maria Hernandez-Peck, PhD
Stephen Kutz
Patricia Ortiz, MD

Deputy Secretary Gregg Grunenfelder
James Sledge, DDS
The Honorable Donna Wright
Diana T. Yu, MD, MSPH

Board members absent:

Karen VanDusen

State Board of Health Staff present:

Michelle Davis, Executive Director
Desiree Robinson, Executive Assistant
Christy Curwick, Health Policy Analyst
Yris Lance, Community Relations Liaison

Gordon MacCracken, Communications Consultant
Ned Therien, Health Policy Analyst
Tara Wolff, Health Policy Analyst
Lilia Lopez, Assistant Attorney General

Guests and Other Participants:

Audrey Adams, Washington Action for Safe Water
Alli Larkin, Washington Action for Safe Water
Bill Osmunson, DDS, Washington Action for Safe Water
Rebecca Faust, Shelton resident
Dan Asterino, Glaxo Smith-Kline
Nancy Napolilli, Department of Health
Janna Bardi, Department of Health
Juliet Van Eenwyk, Department of Health
Brad Banks, Washington State Association of Local Public Health Officials

John Austin, Board Chair, called the public meeting to order at 12:32 p.m. and read from a prepared statement (on file).

1. APPROVAL OF AGENDA

Motion: Approve January 11, 2012 agenda

Motion/Second: Kutz/Sledge. Approved unanimously.

2. ADOPTION OF OCTOBER 12, 2011 MEETING MINUTES

Motion: Approve the October 12, 2011 minutes

Motion/Second: Yu/Ortiz. Approved unanimously.

3. BOARD ANNOUNCEMENTS AND OTHER BOARD BUSINESS

Michelle Davis, Board Executive Director, welcomed Gordon MacCracken, Communications Consultant for the Board. She also recognized Kelly Cooper, who replaced Michelle as Assistant Director of the Office of Policy, Legislative and Constituent Relations at the Department of Health. Ms. Davis reported on meeting with members of the Board in the past three months since she became executive director. She said the Board's website will undergo reformatting according to content management principles to make it easier for the public to find things. This will follow the Department's reformat of its own websites. She said she had completed a continuity of operations plan for emergency situations. She expects the Governor will appoint a person to the Board's vacant consumer position by the end of January. Ms. Davis pointed out a document in the Board's packet under Tab03 showing a 10% reduction to Board funding for the 2011-13 biennium in the early action budget. She pointed out another document under Tab03 used to report to OFM the services the Board provides, stakeholders, and funding history. It shows the Board gets more than 80% of funding from the State's general fund. She also pointed out a copy of the Governor's executive order extending the rules moratorium through 2012. The FYI web posting will resume, now that Mr. MacCracken has returned to the office. She noted the January edition of FYI includes correspondence about fluoridation from Dr. Osmunson to Governor Gregoire, the Board, and the Attorney General. Dr. Osmunson's letter asks the Board to hold a three-hour forum about water fluoridation, and to allow opposing sides equal time to speak. This piece of correspondence had also been e-mailed to the members. She also mentioned each Board member should have received by mail a book courtesy of Washington Action for Safe Water titled "The Case Against Fluoride."

Stephen Kutz, Board Member, asked how the Board's website will be differently organized. Gregg Grunenfelder, Deputy Secretary of the Department and Secretary's designee, commented that content management web design will reflect how the public thinks about looking for information, rather than according to organizational structure. Board members commented they did not like having fewer meetings, as mentioned in the budget reduction sheet. There was discussion about the lack of funding for the Board to be able to have meetings around the state as it did in former years. Ms. Davis said reduced funding for travel is a major reason.

4. DEPARTMENT OF HEALTH UPDATE

Deputy Secretary Grunenfelder started his report with several items of good news. He reported the Department is one of two agencies in as many states that have submitted a notice of intent to apply to the new national Public Health Accreditation Board. Three local health agencies in Washington have also submitted notices of intent to apply for the national accreditation. They are Island, Whatcom, and Spokane. Earlier in the week, the Department submitted the information for its application.

He reported Washington is the largest producer and exporter of commercial shellfish in the U.S. and a recent review by FDA found Washington's regulatory program to be 100% in compliance with federal standards. He mentioned a couple of the Department's public health education efforts having recently received national acclaim. The smoking cessation "Dear Me" public announcements won two of four national excellence awards for TV advertising in the public service category. The Department's "WashYourHandsingTon" campaign video recently won an honor for social media by the National Public Health Coalition. The video was paid for with federal money designated to help prevent flu transmission. It has received more than 50,000 views on YouTube in the past year.

Deputy Secretary Grunenfelder commented on Governor Gregoire's State-of-the-State address on January 10. Her four top priorities are getting (1) the Legislature to complete the budget balancing

work; (2) a half-cent increase in sales tax for 3 years; (3) education system reform; and (4) a transportation and jobs package funded by a petroleum tax. She is supporting equality of rights in marriage this year. She is proposing more government reform, particularly regarding liquor control and the lottery.

The Department is requesting several pieces of legislation for the 2012 legislative session. The first bill would fund a prescription-monitoring program to help reduce drug abuse and deaths, through a surcharge on licenses of prescribers. Currently, the Department has only federal funding for such efforts. A second agency request bill would fund oversight of emergency medical services. The third bill, jointly requested with the Department of Ecology, would move all low-level radioactive waste oversight to the Department of Health. A fourth bill would allow electronic communications for prescriptions for controlled substances, consistent with federal requirements. The fifth and final bill, in response to federal government concerns, returns the Developmental Disabilities Council to the Department of Commerce.

The Department has not completely figured out how to meet its 10% cuts in state general funds, which equals about \$13 million.

5. BOARD MEMBER COMMENTS AND CONCERNS

Diana T. Yu, Board Member, reported on a symposium the previous evening about reforming the health care system. It was organized by pediatrician professional groups. They focused on promoting the medical home concept and on prevention services. They also supported a concept she proposed for stable dedicated funding for the public health system. Member Yu noted there were several legislators at the meeting. Chair Austin commented there would be a symposium at the Jamestown-S'Klallam Community Center in Blyn [near Sequim] on January 13 to discuss shoreline finfish net pens and diarrhetic shellfish poisoning in shellfish. Ms. Davis asked members to alert staff to upcoming conferences, meetings, and job announcements they would like to have included in FYI. Member Yu asked for an update on the status of the Community Transformation Grant. Deputy Secretary Grunenfelder responded the Department recently received a \$5 million grant for further work on this project. Member Yu asked that updates about this work become a regular part of FYI.

6. PROPOSED 2012 BOARD AND COUNCIL MEETING SCHEDULE

Desiree Robinson, Board Executive Assistant, explained the proposed meeting schedule for 2012 included in member packets behind Tab 6. Chair Austin clarified that “TBD” in the table means it is still to be decided whether it will be an in-person meeting or electronic. Ms. Robinson explained that although all the locations indicated Department of Health facilities in Tumwater, she might be able to get a meeting room on the legislative campus instead. Member Yu asked that meetings be held in person whenever possible. Ms. Robinson said the number and locations for meetings are heavily affected by budget cuts. Members expressed disappointment in not being able to get out to communities around the state for meetings. Patricia Ortiz, Board Member, suggested trying to make meetings accessible electronically to local boards of health.

***Motion:** Approve the 2012 meeting schedule as presented.*

***Motion/Second:** Ortiz/Yu. Approved unanimously.*

7. PREVIEW OF 2012 LEGISLATIVE SESSION

Ms. Davis gave some context for the 2012 legislative session, which is a 60-day short session. Bills that did not pass in the 2011 session become active where they left off. Budget issues will dominate the short session. Strategies for balancing the budget may change due to a Supreme Court decision last week that the State is not adequately funding basic education. Regulatory reform will likely be another issue, especially related to streamlining permitting and licensing processes. The Governor has issued Executive Order 12-01, creating a small business liaison program. Job creation bills, through capital projects, are also likely during the session. The Governor will likely ask for bills related to federal health care reform. She will also propose ways to increase revenue to fund education. She pointed out several bills mentioned in her memo in member packets behind Tab 7. Ned Therien, Board Staff, described public testimony on three pharmaceutical reuse bills at a Senate committee hearing he monitored.

Member Kutz asked about the drainfield remediation technology bills. Mr. Therien responded the drainfield bills would require the Board to amend its rules to allow alternative technologies meeting national accreditation standards and not allow local health agencies to place additional requirements on the technologies. Keith Grellner, Board Vice Chair, commented that the local environmental health director's group has concerns about the drainfield bills. Member Kutz asked if there was a bill addressing use of e-cigarettes in public places. Ms. Davis said she would have to get back to him. Deputy Secretary Grunenfelder commented that part of the Governor's recent executive order about small businesses was direction to the Office of Regulatory Assistance for a pilot project for the food and beverage industry. He said the executive order mentions streamlining permitting without compromising health and safety.

The Board took a break at 2:06 p.m. and reconvened at 2:19 p.m.

8. PUBLIC TESTIMONY

Audrey Adams, Washington Action for Safe Water, testified her organization has submitted 15 petitions for rule making to the Board. She provided a handout showing the hazard rating difference between calcium fluoride and sodium fluoride. Calcium fluoride has a toxicity rating of 0 and sodium fluoride a rating of 3 (0 being lowest and 4 being highest). Calcium fluoride is naturally in water, while sodium fluoride is not. Most studies in support of water fluoridation were based on calcium fluoride content. She said EPA regulates calcium fluoride in drinking water, but not sodium fluoride.

Alli Larkin, Washington Action for Safe Water, provided material safety data sheets (MSDS) on hexafluosilicic acid. She testified this additive to water is derived from the fertilizer industry, where it would be a waste product if not used as a product for water fluoridation. She said to obtain the second MSDS, received from a public water company, she had to file a public information request. She said as people find out about the fluoridation chemicals water systems add, water systems tend to discontinue fluoridation.

Bill Osmuson, DDS, MPH, Washington Action for Safe Water, testified he is staking his reputation on trying to stop water fluoridation because he believes it can harm and even cause death to some people, but does not prevent tooth decay. He said an infant drinks about a liter of water per day. He said that the Journal of the Academy of Pediatrics in 1997 published a recommendation that infants under six months should not get fluoridated water. He shared the National Research Council has stated that the amount of fluoride in a quarter cup of fluoridated water could lower the output of the thyroid of a small child. He said thyroid medication is the third or fourth most commonly prescribed medication, in part due to lack of action by Board to limit fluoridation.

People with low thyroid production will have a tendency to become obese and increases diabetic problems. He said different amounts of fluoridated water have various potential health effects, including bone cancer and fetal damage. He said it is scandalous the Board is pushing water fluoridation. He asked for time to present more in-depth testimony.

Rebecca Faust, Shelton resident, commented on having submitted a petition for rule making regarding rabies. She testified the cost of rabies vaccine is a hardship for some people. She said the cost of vaccination is only about \$20, but veterinarians will not generally vaccinate a pet without doing a physical exam for about \$50. She also expressed concern that an animal might be euthanized based on a neighbor dispute without adequate process for the owner.

9. PETITION FOR RULEMAKING WAC 246-100-197, RABIES

Vice Chair Grellner introduced this agenda item. He explained the Board received this petition in late December and that it was routed to the Board's Environmental Health Committee. Mr. Therien explained documents included under Tab 9 of members' packets. He said the Board adopted the rabies vaccination provision in the rule in 2010. The rabies provision was put into place because rabies is endemic in wild animals in many other parts of the United States and we are lucky it is endemic only in bats in Washington. Mr. Therien said that at the time of the rule adoption, the Board considered the cost of the rabies vaccination. He referred to the Significant [Cost/Benefit] Analysis conducted as part of the rule making process. The cost of rabies vaccination averages out to about \$20 a year over a three-year period between vaccinations. He said there has been a provision in the rule for many years to forbid importation of types of wild animals commonly endemic for rabies. There have also been provisions for many years for health officers to quarantine animals or euthanize and test them if suspected of having rabies. The most recent rule revision gave health officers more flexibility to carry this out according to their own judgment. Although not mentioned in the Board's rule, an appeal process regarding euthanasia would be determined by each local health jurisdiction. He said local health officers are reluctant to euthanize a pet, so would prefer quarantine if appropriate. The animal's owner would have to pay for quarantine. Mr. Therien said the Environmental Health Committee would like more time to review the petition before it makes a recommendation to the Board's Chair.

Chair Austin asked if British Columbia requires rabies vaccination. Ron Wohrle, a veterinarian with the Department's Zoonotic Disease Program, responded from the audience that animals need a rabies vaccination to cross the border but that he did not know if rabies vaccination was otherwise required for pets in British Columbia. Member Yu offered to meet with the petitioner to explain the process used to determine when euthanasia might be necessary, as she is the Health Officer in the same county, Mason, in which the petitioner resides.

Member Kutz asked if cost analysis would be part of the review. Vice Chair Grellner said the cost benefit analysis for the 2010 rule making had addressed that issue.

***Motion:** The Board requests Chair Austin to further consult with the Board's Environmental Health Committee and, using his discretion, respond to the petition for rulemaking from Rebecca Faust dated December 28, 2011 regarding WAC 246-100-197, Rabies—Measures to prevent human disease.*

***Motion/Second:** Kutz/Sledge. Approved unanimously.*

10. STATEMENT OF THE BOARD ON POSSIBLE 2012 LEGISLATIVE ISSUES

Ms. Davis reminded Board members that at the October meeting, then-Executive Director Craig McLaughlin provided them with a copy of 2011 legislative issues and asked for suggestions on what

needed to be included in the 2012 version. The draft statement of the Board on possible 2012 legislative issues is based on comments made at the October meeting and suggestions from the Chair and staff. Ms. Davis walked members through the 2012 statement. Member Kutz asked whether the policy applied to members when they are carrying on business outside of the Board. Ms. Davis said it would apply to Board members only when they are representing the Board. Member Kutz noted that mandated benefits focus on promoting preventive services and wondered how the Board determines which ones it wants to support. Members Yu and Sledge said that, in this context, the preventive services need to be evidence-based and provided in a patient centered medical home. Member Yu commented on the importance of school nurses and mental health counselors for youth suicide prevention. She noted school nurses role's importance in terms of implementing the Board's immunization rules and said the Board should try to support them. But it is important to make sure that the entire budget picture is understood and not to support one program at the expense of another critical program. Maria Hernandez-Peck, Board Member, wondered if the health disparities statements needed to be more focused on elder populations. Member Hernandez-Peck suggested that aging disparities be addressed by the Governor's Interagency Council on Health Disparities. Ms. Davis explained that the council's priority areas were set in statute and aging disparities were not included. Member Kutz said that one of the big public health issues is health care access for all populations but most specifically for the aged. Deputy Secretary Grunenfelder asked for clarification on the drug take back program statement. Member Yu explained the original intent of the Board on the drug take back issue was focused on misuse and abuse of drugs, environmental health, take back programs, and not necessarily on re-use of drug. She asked that a qualifier be added to the language reflecting this. Ms. Davis also called members' attention to Policy 2001-001 and explained that "Bill Watch" should no longer be posted on the Board's website because it could be viewed as third party lobbying. She said staff will provide regular updates to Board members via e-mail about legislative action during this session.

***Motion:** the Board adopts the Statement of Policy on Possible 2012 Legislative Issues as submitted on January 11, 2012 and amended today.*

***Motion/Second:** Yu/Kutz. Approved unanimously.*

11. REQUEST FOR RULE DELEGATION – CHAPTERS 246-260, WATER RECREATION FACILITIES, AND 246-262, RECREATIONAL WATER CONTACT FACILITIES

Mr. Therien explained the Board has rules on the safety and sanitation of public pools, spas, and other types of water recreation facilities. He said the Department of Health is requesting delegation to make some changes to those rules. In 2008, a federal law called the Virginia Graeme Baker Pool and Spa Safety Act went into effect. It requires pools to have approved safe drain covers and anti-suction devices. The Consumer Product Safety Commission implements this law. In 2011, it changed its requirements to reference newer standards. The Board's rules still reference the old standards. The Department proposes to revise the two rule chapters to reference the new standard. This meets the Board's policy on rule delegation. He introduced Nancy Napolilli, Director of the Department's Office of Environmental Health, Safety, and Toxicology, in case Board members had questions. Member Kutz asked if the federal standard requires pool or spa owners to do or buy something new. Ms. Napolilli responded no, this rule change would only correct the reference.

***Motion:** The Board delegates authority to the Department of Health to adopt revisions to chapters 246-260 WAC and 246-262 WAC, regarding water recreation facilities and recreational water contact facilities, to incorporate Consumer Product Safety Commission requirements that pool and spa designs meet the ANSI/APSP – 16 2011 design standard and to do editing for clarity.*

***Motion/Second:** Ortiz/Sledge. Approved unanimously.*

12. STRATEGIC PLANNING PREPARATION: BRIEFING ON IMMUNIZATION RATES

Member Yu introduced Tara Wolff, Board Staff, and Janna Bardi, Department of Health. Member Yu explained that this presentation is provided as part of the Board's 2009 five-year strategic plan. Ms. Bardi presented Washington State immunization coverage rates. She explained the Advisory Committee on Immunization Practices develops recommendations annually for children's immunizations. The Board decides whether to make those recommendations required in Washington through rule. Washington's vaccination rates for toddlers (19-35 months of age) used to be below the national average, but have improved to the national average in the last two years. Washington's vaccination rate for teenagers is above the national average. Washington's immunization exemption rate for kindergarteners is higher than the national average. However, Washington's exemption provisions were changed by the legislature in July 2011 to better match best practice. Data on the effect of the new exemption policy will start to be available in the 2012-3 school year. Ms. Bardi's presentation is included in materials behind Tab 12 of the Board's packet.

Member Yu asked if Ms. Bardi could explain the doubling of exemption rates between 2000 and 2009. Ms. Bardi said that it was partially due to the many changes to immunization recommendations, as well as media attention to the anti-vaccination movement. Member Kutz asked how the exemption rates presented were counted (i.e. in cases when the exemption was to all of the required vaccines, or when it involved just one required vaccine). Ms. Bardi said either type of exemption is represented in the data presented. Member Yu commented that as the media reports outbreaks of vaccine-preventable disease, immunization rates go up. There are currently whooping cough outbreaks in Washington.

13. STRATEGIC PLANNING PREPARATION: HEALTH STATUS OF WASHINGTON STATE

Chair Austin invited Juliet Van Eenwyk, Department of Health, to report on the health status of Washington. Dr. Van Eenwyk's presentation is included in materials behind Tab 13 in the Board's packet (due to time constraints, Dr. Van Eenwyk was unable to cover her entire presentation at the Board meeting). Her presentation included information on Washington state's population broken out in a variety of ways (e.g. age, education, causes of death and preventable premature death, rates of smoking and obesity over time, and poverty and education rates). She explained that health differences between racial groups have more to do with socio-cultural differences than genetic differences.

14. STRATEGIC PLANNING PREPARATION: PUBLIC HEALTH FINANCE

Chair Austin, invited Brad Banks, Washington Association of Local Public Health Officials (WSALPHO) to the table. Mr. Banks talked about how local public health funding reductions have caused a loss of personnel and services. He is seeing a flattening of the downward trend because local health is down to the very basics of public health. He said Secretary Selecky has asked local health to consider how it would design public health if starting from scratch. A basic question is: What does public health need to do because nobody else will? People might now consider improving the efficiency of the system, such as through regionalization. Levels of government must work in a collaborative way. More partnerships might be forged with the private sector.

Mr. Banks said the current funding mechanism is broken. WSALPHO supports working with partners in a "study group" to protect shared dollars and to look for future funding models. Its goal is to develop a proposal to take to the Legislature in 2013. Mr. Banks' presentation is included in materials behind Tab 14 in the Board's packet. He also provided a handout showing reductions in local public health at example jurisdictions.

Member Kutz commented that some of the difficulty in getting partners to adopt programs reflects tough requirements for management of the program.

ADJOURNMENT

John Austin, Board Chair, adjourned the meeting at 4:58 p.m.

WASHINGTON STATE BOARD OF HEALTH

John Austin, Chair